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EO 12812-2 AND 12958-2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR 13-0580 RMW

Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
~~PROPOSED~~ ORDER**

v.

TRI MINH DAO,

Honorable Ronald M. Whyte

Defendant.

Defendant Tri Minh Dao and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the status hearing in the above-captioned matter, presently scheduled for Monday, March 30, 2015 at 9:00 a.m., be continued to Monday, April 20, 2015, at 9:00 a.m. The continuance is requested because undersigned defense counsel has recently substituted into the case and is not available on March 30. Additionally, the parties are continuing to engage in plea discussions. Accordingly, the delay is requested for continuity of counsel and to allow effective preparation of counsel.

The parties further agree that time should be excluded under the Speedy Trial Act because the ends of justice served by granting the requested continuance outweigh the interest of the public and

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the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

Dated: 3/19/15

/s/
LARA S. VINNARD
Counsel for Tri Minh Dao

Dated: 3/19/15

/s/
GARY FRY
Assistant United States Attorney

~~PROPOSED~~ ORDER

The parties have jointly requested a continuance of the hearing set for Monday, March 30, 2015, for continuity of counsel in light of a recent substitution of defense counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, March 30, 2015 at 9:00 a.m., is continued to Monday, April 20, 2015, at 9:00 a.m.

For good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from March 30, 2015 to April 20, 2015. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny the parties continuity of counsel and would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

Dated: ~~HEB~~ ~~FI~~

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge